

# **FREE TRANSMITTAL** **FOR FY 2003**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT**

(\$ 264)

Complete if Known

Application Number 09/025,635  
Filing Date February 18, 1998  
First Named Inventor Pang et al.  
Examiner Name A. Kubelik  
Art Unit 1638  
Attorney Docket No. 19603/1552 (CRF D-2052A)

## **METHOD OF PAYMENT (check all that apply)**

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number 14-1138

Deposit Account Name Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## **FEE CALCULATION**

### **1. BASIC FILING FEE**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

**SUBTOTAL (1)** (\$ 0)

### **2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
69	-77** = 0	X 0	= 0
Independent Claims 4	-3** = 1	X 84	= 84
Multiple Dependent		X	= 0

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$ 84)

\*\*or number previously paid, if greater; For Reissues, see above

## **FEE CALCULATION (continued)**

### **3. ADDITIONAL FEES**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	410	2252	205	Extension for reply within second month
1253	930	2253	465	Extension for reply within third month
1254	1,450	2254	725	Extension for reply within fourth month
1255	1,970	2255	985	Extension for reply within fifth month
1401	320	2401	160	Notice of Appeal
1402	320	2402	160	Filing a brief in support of an appeal
1403	280	2403	140	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,300	2453	650	Petition to revive - unintentional
1501	1,300	2501	650	Utility issue fee (or reissue)
1502	470	2502	235	Design issue fee
1503	630	2503	315	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))
1801	750	2801	375	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 180)

## **CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop \_\_\_\_\_, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

March 3, 2004  
Date

*Wendy L. Barry*  
Signature  
Wendy L. Barry  
Typed or printed name

## **SUBMITTED BY**

Name (Print/Type) Noreen L. Connolly

Signature

Registration No. 48,987  
(Attorney/Agent)

## **Complete (if applicable)**

Telephone (585) 263-1597

Date March 3, 2004

SEND TO: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



PATENT

Docket No.: 19603/1552 (CRF D-2052B)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Pang et al.	)	Examiner:
			)	A. Kubelik
Serial No.	:	09/025,635	)	
Cnfrm. No.	:	9815	)	Art Unit:
			)	1638
Filed	:	February 18, 1998	)	
For	:	DNA CONSTRUCT TO CONFER	)	
		MULTIPLE TRAITS ON PLANTS	)	

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §§ 1.97-1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

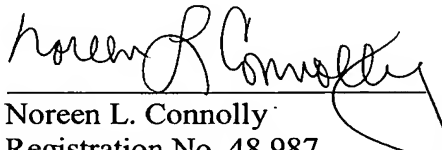
Pursuant to 37 CFR §§ 1.97-1.98, applicants hereby bring to the attention of the United States Patent and Trademark Office, the enclosed references listed on the attached PTO-1449 form.

Pursuant to 37 CFR §§ 1.17(p) and 1.97(c), enclosed is a check for \$180.00 to cover the required filing fee. The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment to Deposit Account No. 14-1138.

Respectfully submitted,

03/09/2004 WASFAW1 00000052 141138 09025635  
02 FC:1806 2.00 DA 178.00 DP

Date: March 3, 2004

  
Noreen L. Connolly  
Registration No. 48,987

NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603-1051  
Telephone: (585) 263-1597  
Facsimile: (585) 263-1600

R752851.1

<b>Certificate of Mailing - 37 CFR 1.8(a)</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on the date below.	
Date <u>3/3/04</u>	<u>Wendy L. Barry</u> Wendy L. Barry

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

MAR 05 2004

(Use as many sheets as necessary)

Sheet

1

of

1

**Complete if Known**

Application Number	09/025,635
Filing Date	February 18, 1998
First Named Inventor	Pang et al.
Art Unit	1638
Examiner Name	A. Kubelik
Attorney Docket Number	19603/1552 (CRF D-2052B)

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
	1	US-5,998,699	12/07/1999	Slightom et al.	
	2	US-5,773,700	01/12/1999	Van Grinsven et al.	
	3	US-5,254,802	10/19/1993	Hoekstra et al.	
	4	US-5,491,084	02/13/1996	Chalfie et al.	
	5	US-5,741,668	04/21/1998	Ward et al.	
	6	US-5,405,750	04/11/1995	Suciu-Foca et al.	
	7	US-4,818,689	04/04/1989	Suciu-Foca et al.	
	8	US-5,292,362	03/08/1994	Bass et al.	
		US-			
		US-			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	9	Cai et al., "A Protocol For Efficient Transformation and Regeneration of <i>Carica Papaya</i> L.," <i>Plant</i> 35:61-69 (1999)	

Examiner  
Signature

Date

Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) MAR 05 2004 U.S. PATENT AND TRADEMARK OFFICE				Application Number	09/025,635
				Filing Date	February 18, 1998
				First Named Inventor	Pang et al.
				Art Unit	1638
				Examiner Name	A. Kubelik
Sheet 1 of 1	Attorney Docket Number 19603/1552 (CRF D-2052B)				

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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
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	9	Cai et al., "A Protocol For Efficient Transformation and Regeneration of <i>Carica Papaya</i> L.," <i>Plant</i> 35:61-69 (1999)	

Examiner Signature	Date Considered
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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